

# FAX TRANSMISSION

REISING, ETHINGTON, BARNES, KISSELLE, P.C.

Columbia Center  
201 W. Big Beaver - Ste 400  
Troy, Michigan 48084  
(248) 689-3500  
Fax: (248) 689-4071  
rccollins@reising.com

Mailing address:  
P.O. Box 4390  
Troy, Michigan 48099

FAX REC.

SEP 15 2004

GROUP 0000

To: Examiner Joseph Dillon

Date: September 15, 2004

Fax #: (703) 308-0552

Pages: 2 (including cover sheet)

From: Robert C. Collins

Subject: SERIAL NO.: 10/733,006  
DOCKET NO.: 17304-02

OFFICIAL

Per your telephone conference of September 13, 2004, please find attached a Terminal Disclaimer with regard to this application.

---

The information contained in this facsimile message may be privileged or confidential information. It is intended only for the use of the individual or entity name above. If the reader of this message is not the intended recipient, or the employer or agent responsible for delivery of it to the intended recipient, such reader is hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. Please immediately notify us by telephone at the above number (call collect), and return the original facsimile to us by mail at the above address. We will reimburse you for postage. Thank you.

PTO/SB/26 (08-03)

Approved for use through 07/31/2008. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING  
REJECTION OVER A PRIOR PATENT**

Docket Number (Optional)

17304-02

In re Application of: George A. Nickay et al.

Application No.: 10/733,006

Filed: December 11, 2003

For: Method and Apparatus for Inspecting Articles of Glassware

Owens-Brockway Glass Container Inc.

The owner, \_\_\_\_\_, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,581,751. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

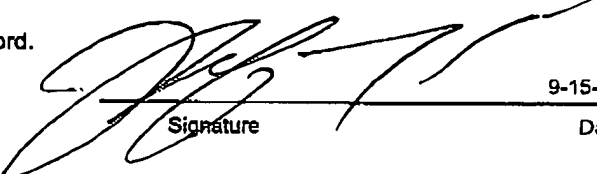
In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record.

  
\_\_\_\_\_  
Signature Date

Robert C. Collins

Typed or printed name

(248) 689-3500

Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) ~~included~~. — Charge Acct. No. 15-0875 (Owens-Illinois)  
**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

\*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).  
Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.